

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Beckman et al. : Paper No:
Serial No. EV311437047US : Group Art Unit:
Filed: March 31, 2004 : Examiner:
For: MARKER DEVICE AND METHOD OF DEPLOYING A CAVITY MARKER
USING BIOPSY DEVICE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references and other information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The references are provided below, and are also listed on the attached Form PTO-1449.

U.S. PATENTS	ISSUE/ PUBLICATION DATE	INVENTOR
5,526,822	06-118-1996	Burbank et al.
5,649,547	07-22-1997	Ritchart et al.
5,769,086	06-23-1998	Ritchart et al.
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5,980,469	11-09-1999	Burbank et al.
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Foreign Patents

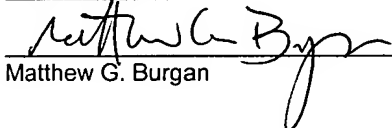
Document No.	Publication Date	Applicant/Patentee
WO 00 038579	07-06-2000	Vivant Medical, Inc.
WO 02 013876	02-21-2002	Carbon Medical Technologies
WO 02 078560	10-10-2002	H.S. Hospital Service S.P.A.
WO 03 022133	03-20-2003	Vivant Medical, Inc.
WO 03 034894	04-01-2003	Montegrando, V.
EP 1 249 209	10-16-2002	Ethicon Endo-Surgery, Inc.

Other Prior Art

Ethicon Endo-Surgery, Inc., Mammotome [®] HH (2000), Johnson & Johnson, pp. 1-7.
Ethicon Endo-Surgery, Inc., MicroMark [™] II (1999), Johnson & Johnson, pp. 1-7.
Artemis Medical, Inc., MammoMark [™] Biopsy Site Marker (2001), pp. 1-6.
SenoRx Inc., SenoRx Gel Mark [™] Biopsy Site Marker ((2001), pp. 1-4

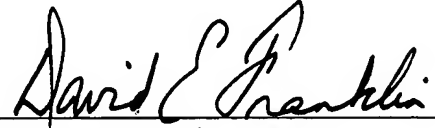
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Pursuant to the waiver published in the Pre-OG Notice, dated July 11, 2003, no copies are provided herewith of U.S. patents cited. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

CERTIFICATE OF MAILING
I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
<u>March 31, 2004</u>
 Matthew G. Burgan

Respectfully submitted,

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Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application No.	EV311437047US
Filing Date	March 31, 2004
First Named Inventor	Andrew T. Beckman et al.
Art Unit	
Examiner Name	
Attorney Docket No.	END-5096.0515521

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner initials	Cite No.	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code ² (if known)				
		US-	5,526,822	06-118-1996	Burbank et al.	
		US-	5,649,547	07-22-1997	Ritchart et al.	
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		US-	6,428,486	08-06-2002	Ritchart et al.	
		US-	6,428,487	08-06-2002	Burdorff et al.	

EXAMINER SIGNATURE _____

DATE CONSIDERED _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application No.	Unknown
				Filing Date	March 31, 2004
				First Named Inventor	Andrew T. Beckman
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	2	of	2	Attorney Docket-No.	END5096.0515521

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FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code ³ -Number ⁴ -Kind code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		WO 00 038579	07-06-2000	Vivant Medical, Inc.	Appear	
		WO 02 013876	02-21-2002	Carbon Medical Technologies		
		WO 02 078560	10-10-2002	H.S. Hospital Service S.P.A.		
		WO 03 022133	03-20-2003	Vivant Medical, Inc.		
		WO 03 034894	04-01-2003	Montegrando, V.		
		EP 1 249 209	10-16-2002	Ethicon Endo-Surgery, Inc.		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
		Ethicon Endo-Surgery, Inc., Mammotome [®] HH (2000), Johnson & Johnson, pp. 1-7.	
		Ethicon Endo-Surgery, Inc., MicroMark [™] II (1999), Johnson & Johnson, pp. 1-7.	
		Artemis Medical, Inc., MammoMark [™] Biopsy Site Marker (2001), pp. 1-6.	
		SenoRx Inc., SenoRx Gel Mark [™] Biopsy Site Marker ((2001), pp. 1-4	

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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.